

## Message Text

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PAGE 01 ADDIS 03417 041315Z  
ACTION L-03

INFO OCT-01 AF-10 ISO-00 ICA-20 JUSE-00 /034 W  
-----094321 050736Z /13

R 041239Z AUG 78  
FM AMEMBASSY ADDIS ABABA  
TO SECSTATE WASHDC 9287

UNCLAS ADDIS ABABA 3417

E.O. 11652 N/A  
TAGS: ACLM, ET, US  
SUBJECT: POSSIBLE TORT CLAIM CONCERNING TRAFFIC ACCIDENT  
INVOLVING DEPARTMENT EMPLOYEE

REF: (A) ADDIS 3169 (B) ADDIS 2487 AND (C) STATE 191048

1. IN DIRECT RESPONSE TO QUESTION POSED IN PARA. 4 OF  
REFTEL, C, WILLS WAS NOT REPEAT NOT OPERATING THE EMBASSY  
VEHICLE WHILE ACTING WITHIN THE SCOPE OF HIS OFFICE OR  
EMPLOYMENT. HOWEVER, HE WAS OPERATING THE VEHICLE UNDER A  
POST-APPROVED POLICY SINCE JULY 1976 AND NOT PROHIBITED UNDER  
6 FAM 237.1-4(E) WHICH STATES QUOTE UPON PRIOR APPROVAL OF THE  
EMBASSY GENERAL SERVICES OFFICER, AUTHORIZED EMPLOYEES WHO ARE  
IN POSSESSION OF A VALID ETHIOPIAN DRIVER'S LICENSE, MAY BE  
ASSIGNED A DESIGNATED SELF-DRIVE OFFICIAL VEHICLE, FOR  
IN-TOWN PERSONAL USE DURING WEEKENDS AND HOLIDAYS, AND  
WILL BE PERMITTED TO RETAIN CUSTODY OF THE ASSIGNED  
VEHICLE AT THEIR RESIDENCE OVERNIGHT UNQUOTE.

2. THE BACKGROUND OF THIS AUTHORITY IS THE RESTRICTION ON  
THE IMPORTATION OF PRIVATELY-OWNED VEHICLES INTO ETHIOPIA  
CAUSED BY THE WAR. THE PRIVILEGE WAS EXTENDED IN ORDER  
TO ALLOW AMERICAN EMPLOYEES SOME MEASURE OF FREEDOM OF  
MOVEMENT WHEN OFF DUTY. WILLS HAD THE BAD LUCK TO BE  
ASSIGNED A VEHICLE WHICH HAD ERRONEOUSLY BEEN OMITTED  
FROM THE FLEET POLICY. HAD THIS NOT BEEN THE CASE, THE  
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INSURANCE COMPANY WOULD BE FACING THE POSSIBLE TORT CLAIM.

3. HAD WILLS BEEN OPERATING THE VEHICLE WITHIN THE SCOPE  
OF HIS OFFICE OR EMPLOYMENT, HE WOULD HAVE BEEN LIABLE  
UNDER THE LAW OF ETHIOPIA. AS DESCRIBED IN REFTEL, A, WE  
EXPECT THE CLAIM TO EXCEED DOLS. 1,000, WHICH MIGHT HAVE  
BEEN THE AMOUNT UPON WHICH THE POST COULD HAVE SETTLED.

4. TWO POINTS SEEM WORTHY OF REVIEW. WHILE THE EMBASSY DOES NOT CONSIDER THAT WILLS WAS OPERATING THE VEHICLE IN A NEGLIGENT MANNER, IT BELIEVES THAT THE ETHIOPIAN COURTS WILL. FURTHER, THAT HE WAS OPERATING THE VEHICLE UNDER A POST APPROVED POLICY DICTATED AND FORCED BY LOCAL CONDITIONS AND EVENTS.

5. THE DEPARTMENT ASKS IN PARA. 6 OF REFTTEL. C WHETHER THE USG, IF A PRIVATE PERSON, WOULD BE LIABLE IN THIS CASE. THE ANSWER IS YES.  
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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
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**Disposition Comment:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Reference:** 78 ADDIS ABABA 3169, 78 ADDIS ABABA 2487, 78 STATE 191048  
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**Review Event:**  
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**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014